

## **DRAFT OF BY-LAWS AND RULES.V5**

### **BY-LAWS AND RULES OF THE MIAMI-DADE INDEPENDENT CIVILIAN PANEL**

ARTICLE I – PURPOSE  
ARTICLE II – OFFICIAL MAILING ADDRESS  
ARTICLE II – MEMBERSHIP  
ARTICLE IV – OFFICERS  
ARTICLE V – MEETINGS  
ARTICLE VI – AMENDMENTS  
ARTICLE VII – COMMITTEES  
ARTICLE VIII – CONDUCT OF BUSINESS  
ARTICLE IX – MISCELLANEOUS

#### **ARTICLE I – PURPOSE**

The Miami-Dade County Independent Civilian Panel (hereinafter referred to as the "ICP") shall:

(1) relate to matters involving sworn officers of (i) the Miami-Dade Police Department or any successor agency or (ii) any other law enforcement agency established by the Board;

(2) exercise its powers so as to not interfere with any ongoing MDPD investigations and conduct its activities consistent with applicable law, including the Florida Government in the Sunshine law and with applicable law and labor contracts;

(3) make written recommendations related to the MDPD's policies and procedures concerning but not limited to the training and recruitment of police officers, the notification system for corrective disciplinary procedures, and provide input to the MDPD Director before changes in police department policy or procedure are implemented;

(4) conduct investigations, inquiries, and public hearings to make factual determinations, facilitate resolution, and propose recommendations to the County Manager and MDPD Director regarding allegations of misconduct by a sworn officer of the MDPD;

(5) request issuance of subpoenas where circumstances warrant with advise and counsel of ICP Counsel, for the purpose of obtaining evidence from witnesses and production of books, papers, recordings, statements (sworn or unsworn), and other evidence, which subpoenas shall be signed, served and enforced pursuant to applicable law, provided that no immunity be conferred by the ICP;

(6) enhance understanding of the process of submitting, processing, and responding to citizen complaints regarding misconduct by MDPD officers;

## DRAFT OF BY-LAWS AND RULES.V5

(7) issue reports to all stakeholders, to include the Mayor, County Commission, Count Attorney, County Manager, MDPD Director, and the public;

(8) make recommendations as to the disposition of alleged incidents of MDPD misconduct, to which the MDPD Director is required to respond in writing within the applicable period as governed by statute, ordinance, code, or within thirty (30) days, which ever date comes first;

(9) forward complaints alleging criminal activity to the MDPD and other relevant agencies; and

(10) promulgate rules and procedures for internal governance and standards for training of ICP Members and staff.

### ARTICLE II – OFFICIAL MAILING ADDRESS

**Section 1. OFFICIAL MAILING ADDRESS:** The official mailing address of the ICP shall be: **INDEPENDENT CIVILIAN PANEL, 111 NW 1<sup>st</sup> Street, County Commission Chambers, Second Floor, Miami, Florida 33128.** All persons and other entities wishing to correspond with the ICP for any reason, including the submittal to the ICP of a civilian complaint against any officer of the MDPD, shall direct correspondence to the ICP at its official mailing address.

### ARTICLE III – MEMBERSHIP

**Section 1. MEMBERSHIP OF THE ICP:** The ICP shall consist of THIRTEEN (13) qualified Members appointed by the Miami-Dade County Commission in the manner described in the ICP Ordinance. No Member shall direct the work or responsibilities of ICP staff. A ICP Member may, however, make inquiry to the ICP staff in matters relating to the ICP. The Chairperson may instruct the Executive Director, or where appropriate, the ICP Counsel, to resolve emergent issues affecting the functions and responsibilities of the ICP. However, in no event shall the Chairperson direct the Executive Director or ICP Counsel with respect to the method or means of resolving the same.

**Section 2. TERMS OF MEMBERS:** The terms of office of the Members of the ICP appointed by the County Commission shall be for three years, except for the initial terms that shall be four Members for three years, four Members for two years, and four Members for one year, all initial terms to be determined by lot. ICP Members shall continue to serve until their successors have been appointed and qualified.

## DRAFT OF BY-LAWS AND RULES.V5

**Section 3. ATTENDANCE AT ICP MEETING:** Any Panel member shall be automatically removed if absent for three consecutive meetings without a satisfactory excuse or if absent from more than one-half of the Panel's meetings during his or her term of office. A Panel member shall be deemed absent from a meeting when not present at the meeting at least 75 percent of the time. The provisions of this section may be waived by a two-thirds vote of the members of the full Board. Any vacancy shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for three years from the date of appointment.

**Section 4. RESIGNATIONS FROM THE ICP:** Any Member of the ICP seeking to resign his or her office as a Member shall submit his or her resignation in writing to the Chairperson with a copy to the Executive Director.

**Section 5. VACANCIES:** In the event of a vacancy on the Panel, the Chair of the Panel shall appoint at least five Panel members to serve as a nominating committee. The nominating committee shall advertise the open seat on the Panel as provided in subsection (b)(2) above and interview candidates. Said advertisement shall include the professions or backgrounds of the existing Panel members. The Panel shall then submit the names of at least two applicants to the County Commissioner who appoints the open seat for selection and appointment to the Panel.

### ARTICLE IV – OFFICERS

**Section 1. ELECTION OF OFFICERS:** Members of the ICP shall every two years elect from their membership by a majority vote a Chairperson, a Vice-Chairperson, and a 2nd Vice-Chair, and such other officers as the ICP may determine are necessary. Such election shall take place at the first regular meeting of the ICP in October every two years. Nominations for the election of officers shall be made at the regular monthly meeting immediately preceding the meeting at which elections are to take place. The term of the Chairperson and other officers shall commence on the date of their election and shall end upon the date when their successors have been elected. Except for the Chairperson, who shall not serve consecutive terms, elected officers may serve no more than two consecutive terms.

**Section 2. POWERS AND DUTIES OF THE CHAIRPERSON:** The Chairperson shall:

- (a) be the presiding officer at all regular, special, and emergency meetings of the ICP;
- (b) establish such ad hoc committees of the ICP, not otherwise created by these By-Laws and Rules, as may be necessary or desirable for the ICP to perform its duties;
- (c) appoint the chairperson and members of all committees established

## DRAFT OF BY-LAWS AND RULES.V5

by the ICP;

- (d) serve as an ex-officio member of all other committees established by the ICP;
- (e) perform all duties incident to such office and such other duties as may be prescribed by these By-laws and Rules, or delegated to the Chairperson by the Members from time to time;
- (f) decide on all points of order and procedure during the meetings, and the Chairperson's decision shall be final unless overruled by a majority vote of the Members;
- (g) be the principal spokesperson on behalf of the ICP; and
- (h) no less than seven days prior to a monthly meeting determine the agenda after consultation with the Executive Director.

**Section 3. POWERS AND DUTIES OF THE VICE-CHAIRPERSON:** In the absence of the Chairperson, or in the event of the Chairperson's resignation, death, disqualification, removal, inability, or demonstrated continued refusal to fulfill the powers and duties of the office of the Chairperson, the Vice-Chairperson shall perform the powers and duties of the Chairperson, and when so acting, shall have all the powers and duties and be subject to all the restrictions upon the Chairperson. The ICP shall determine by a majority vote if the Chairperson has demonstrated a continued refusal to fulfill the powers and duties of the office. When the Vice-Chairperson succeeds to the office of Chairperson in the event of resignation, death, disqualification, or resignation, said person shall complete the term of the Chairperson. In the event that the Vice-Chairperson notifies the ICP in writing that he or she is unwilling to accept the responsibilities of the Chairperson for any reason, then the 2nd Vice-Chairperson shall perform the powers and duties of the Chairperson, and when so acting, shall have all the powers and duties and be subject to all the restrictions upon the Chairperson. If both the office of Chairperson and Vice-Chairperson shall be deemed vacated and the ICP shall proceed to nominate and elect a Chairperson and Vice-Chairperson at a special meeting to be called by the Executive Director within THIRTY (30) days of the date when the Vice-Chairperson provided the ICP with such written notification. The 2nd Vice-Chairperson shall act as Chairperson during the meeting to nominate and elect a new Chairperson and Vice-Chairperson and also during the interim period between the date when written notification is made and the special meeting is conducted.

**Section 4. POWERS AND DUTIES OF OTHER OFFICERS:** The duties of the 2nd Vice-Chairperson and such other officers as the ICP may establish from time to time shall be those that are assigned to such officers by the Chairperson and those that may be specified by the ICP in the motion providing for the establishment of such officers.

## DRAFT OF BY-LAWS AND RULES.V5

### ARTICLE V – MEETINGS

**Section 1. REGULAR MEETINGS:** The ICP shall hold a regular meeting at a time and place to be determined by the ICP. All meetings of the ICP shall be open to the public. The ICP shall give public notice of regular meetings, special meetings, and/or emergency meetings by providing notice according to Florida Sunshine law. In the event that a noticed meeting is cancelled due to lack of a quorum or a bona fide emergency, the meeting shall be held within a reasonable time thereafter, and notice of such altered meeting shall be provided to Members by the Executive Director at least 24 hours prior to such meeting.

**Section 2. CALLING OF SPECIAL AND/OR EMERGENCY MEETINGS:** The Chairperson, or three Members of the ICP acting through the Executive Director or ICP Counsel, may call a special emergency meeting to address a serious and emergent matter involving the public interest for which the prompt attention of the ICP is necessary or appropriate. The time and place for such special emergency meeting shall be determined by the Chairperson and communicated to the Members by the Executive Director or ICP Counsel at least FIVE (5) days prior to the meeting.

**Section 3. AGENDA FORM OF ICP MEETINGS:** The Executive Director shall send a copy of the proposed meeting agenda to each Member no less than FOUR (4) days prior to such meeting. A Member may request the Executive Director to add an item of consideration to the agenda. Such request shall be made no later than THREE (3) days prior to the meeting. At the completion of the roll call at a regular meeting, a Member may request an item to be added to the agenda by motion and such item shall be so added upon an affirmative vote of a majority of Members. Except with respect to issues raised during the public discussion period or in response thereto, care shall be taken by Members to avoid discussions of non-agenda items. The Chairperson shall be diligent in the enforcement of the provisions of this section so that meetings of the ICP shall be conducted in an orderly manner.

**Section 4. PUBLIC COMMENT ALLOWED:** Time shall be made available for open public comment at all meetings of the ICP. The Chairperson may establish a reasonable time limit for public comment based upon the scope of the agenda established for the particular meeting. The Chairperson shall announce the time limit for public comment at the start of the meeting, which time limit shall not ordinarily be less than TWO (2) minutes per speaker.

**Section 5. CONFLICTS OF INTEREST; RECUSAL:** Members who believe they have a conflict of interest on a matter about to come before the ICP shall state the reason for the conflict of the interest prior to the approval of the agenda and shall step out the meeting when the matter is heard.

## DRAFT OF BY-LAWS AND RULES.V5

**Section 6. VOTING ON A QUORUM:** The ICP shall take no action at a meeting other than to recess or adjourn in the absence of a quorum. An affirmative vote by a majority of the Members is required for adoption of any action, resolution, or motion by the ICP. Voting shall be by roll call and will be recorded by yeas and nays. Every Member present at a meeting is required to cast a vote upon each action, resolution, or motion.

**Section 7. ROBERTS RULES OF ORDER:** The rules of the current edition of Roberts Rules of Order Newly Revised shall govern the ICP in all cases to which they are applicable and in which they are not inconsistent with these By-Laws and any special rules or order the ICP may adopt.

**Section 8. VOTING BY PROXY PROHIBITED:** There shall be no vote by proxy or by telephone at any meeting of the ICP.

**Section 9. IMPARTIALITY:** Members of the ICP shall avoid ex parte discussion of any matter that is or may come before the ICP with any person interested in such matter. A Member who has had an unauthorized communication concerning an agenda item outside of a public meeting with an interested party, including but not limited to a complainant, a MDPD police officer who is the subject of a complaint, a witness to the events giving rise to such complaint, any person representing or purporting to represent the interests of any such person, or a relative of any such complainant, police officer, or witness, shall promptly notify the Executive Director or ICP Counsel of the contact and make written disclosure of the specifics of the communication, including copies of any correspondence with such party.

**Section 10. ANNUAL REVIEW OF EXECUTIVE DIRECTOR:** The ICP shall annually review the performance of the Executive Director who may be terminated and replaced, subject to approval by the Board of County Commissioners, at any time by a two-third (2/3) majority vote of the Panel. Annual compensation for the Executive Director shall be based on an annual performance review.

## ARTICLE VI – AMENDMENTS

**Section 1. BY-LAW AND RULES AMENDMENTS:** These By-Laws and Rules may be amended only by a two-third (2/3) majority vote of the Panel at a regular meeting of the ICP, provided that written notice of the proposed amendment is given to each Member no later than the regular meeting conducted prior to the meeting at which the Members will vote on the proposed amendment. Any Member may submit a proposed by-law and rules amendment to the ICP in complete written form at any regular meeting. Action upon the proposed by-law and rules amendment, however, shall be deferred until the next regular monthly meeting.

# DRAFT OF BY-LAWS AND RULES.V5

## ARTICLE VII – COMMITTEES

**Section 1. STANDING COMMITTEES:** The Standing Committees of the ICP shall be:

- (1) By-laws and Rules;
- (2) Intake
- (3) Complaints;
- (4) Training;
- (5) Legislation;
- (6) Outreach;
- (7) Law Enforcement Policy and Procedures

**Section 2. DUTIES OF STANDING COMMITTEES:** Each of the Standing Committees shall perform the functions specifically delegated to such committee by the applicable section of this Article pertaining thereto or the resolution creating such committee. In addition, each Standing Committee shall perform such other functions as the Chairperson shall assign. A quorum shall consist of a majority of the members.

**Section 3. BY-LAW AND RULES:** The Standing committee on By-laws and Rules shall convene as necessary to consider and propose to the Panel amendments to the by-laws and rules of the ICP.

**Section 4. INTAKE:** The Standing Committee on Intake shall convene monthly to review the complaints received the previous month to determine whether sufficient merit has been established for complaints or grievances to institute a review or investigative process. The Intake Committee will consider the following factors in order to propose an investigation:

- a. Severity of the alleged conduct;
- b. The potential or actual impact on the community;
- c. The history and patterns of conduct of the subject officer(s) or Department;
- d. The current workload of the Panel and Staff;
- e. The likelihood of a finding of exonerated, unfounded, or sustained.
- f. The Intake Committee shall consist of at least 3 members and not more than 7 members.

## DRAFT OF BY-LAWS AND RULES.V5

**Section 4. COMPLAINTS:** The Standing Committee on Complaints shall convene monthly and shall be charged with assisting the ICP in fulfilling the ICP's responsibilities to conduct investigations, inquiries, and public hearings into allegations of police misconduct by officers employed with the MDPD, including the review of complaints filed with Internal Affairs. The Complaints Committee will review completed investigation and make adjudication recommendations to the full Panel. The Complaints Committee shall consist of at least 3 members and not more than 7 members.

**Section 5. TRAINING:** The Standing Committee on Training is principally charged with the responsibility of periodically reviewing and advising on various resources available to educate the ICP and further the efficient and effective performance of its duties; said resources include, but are not limited to review of policies and procedures of the MDPD with respect to its police officers, other local resources, and national resources that would prove beneficial to Panel in carrying out the ICP's purpose.

**Section 6. LEGISLATION:** The Standing Committee on Legislation shall be charged with the responsibility of annually reviewing the ICP governing documents and recommend revisions thereto when appropriate, and review pertinent legislation and recommend revisions thereto when appropriate.

**Section 7. OUTREACH:** The Standing Committee on Outreach shall be charged with the responsibility of facilitating and enhancing the public's communication with the ICP utilizing various methods of contact, including direct outreach, internet, advertising, etc., to further the overarching purpose and objectives of the ICP.

**Section 8. LAW ENFORCEMENT POLICY AND PROCEDURES:** The Standing Committee on Law Enforcement Policy and Procedures shall be charged with reviewing the policies and procedures of the Miami-Dade Police Department and recommend revisions thereto when appropriate.

**Section 9. AD HOC COMMITTEES:** There may be such ad hoc committees as determined necessary by the Chairperson.

**Section 10. DUTIES OF AD HOC COMMITTEES:** Each of the Ad Hoc Committees shall perform the functions specifically delegated to such ad hoc committee by the applicable section of this Article pertaining thereto or the resolution creating such ad hoc committee. In addition, each Ad Hoc Committee shall perform such other functions as the Chairperson shall assign.

Sign: \_\_\_\_\_

Date: \_\_\_\_\_